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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/644,029 | 08/20/2003 | Keiji Nakamura | 1190-0577P | 5336 |
| 2292 | 7590 | 07/14/2004 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | DINH, JACK | |
| PO BOX 747 | | | ART UNIT | PAPER NUMBER |
| FALLS CHURCH, VA 22040-0747 | | | 2873 | |

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/644,029 | Applicant(s) NAKAMURA ET AL.  | |
| | Examiner Jack Dinh | Art Unit 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>0803</u> . | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, lines 10-18, the Applicant states a drive mechanism having “a magnet and a coil”, being in singular form. Lines 10-18 claim “one of the magnet and coil” and “the other of the magnet and coil”. The above phrases render the claim indefinite. It is unclear which is “one” or “the other” of the original phrase on line 10. Claims 16 and 17 are rejected based upon the rejected base claim 15. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claim 15 is rejected under 35 U.S.C. 102(b) as being unpatentable by Seo et al. (US Patent 6,295,255).

Regarding claim 15, Seo et al. (figure 1) is interpreted as disclosing an objective lens driving apparatus comprising an objective lens **19** that focuses light emitted from a light source on an information-recording medium, a lens-holder **23** that holds the objective lens thereon, the lens-holder being movable in such a direction that the objective lens moves in a direction substantially perpendicular to an optical axis of the objective lens (tracking direction), the lens-holder also being movable in a direction of the optical axis of the objective lens (focusing direction), and a drive mechanism having a magnet and a coil, one of the magnet and coil **26,27** being fixedly mounted on the lens holder and the other of the magnet and coil **25** being fixedly mounted on a supporting member **24** that is made of a magnetic material and is mounted on a stationary part **20** of the apparatus, wherein one of the magnet and coil is moveable relative to the other of the magnet and coil so that the drive mechanism controllably drives the lens-holder to move relative to the supporting member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Seo et al. (US Patent 6,295,255), as applied in claim 15, in view of Ozawa et al. (US Patent 6,418,094).

(a) Regarding claim 16, Seo et al. is interpreted as disclosing all the claimed limitations, as described above, except for a magnetic path element loosely inserted into a hole on the lens-holder. Within the same field of endeavor, Ozawa et al. (figure 6A) is interpreted as disclosing an objective lens driving apparatus wherein the lens holder 121 includes a hole extending in a direction parallel to the optical axis of the objective lens 108, and a magnetic path element 106 loosely inserted into the hole so that the magnet 131 is positioned between the supporting member 104 and the magnetic path element. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide this configuration, as taught by Ozawa et al., for the purpose of creating a magnetic flux circuit.

(b) Regarding claim 17, Seo et al. is interpreted as disclosing all the claimed limitations, as described above, except that the lens-holder includes a yoke made of a magnetic material, wherein the yoke being positioned such that the magnet and coil are between the supporting member and the yoke. Within the same field of endeavor, Ozawa et al. (figure 6A) is interpreted as disclosing that the lens holder includes a yoke 106 made of a magnetic material, wherein the yoke being positioned such that the magnet and coil 140a are between the supporting member 104 and the yoke. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to provide this configuration, as taught by Ozawa et al., for the purpose of creating a magnetic flux circuit.

Other Information/Remarks

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Choi et al. (U.S. Patent 6,385,146) discloses the well-known fact that yokes are made from magnetic materials.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh


RICKY MACK
PRIMARY EXAMINER